

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRS, LLC

Plaintiff,

v.

C.A. No. 08-127-GMS

TURNER BROADCASTING SYSTEM, INC.

Defendant.

PLAINTIFF'S OPPOSITION TO MOTION TO TRANSFER

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PLAINTIFF'S OPPOSITION TO MOTION TO TRANSFER

I. INTRODUCTION

This is a patent infringement action between CRS LLC ("CRS") and Turner Broadcasting System, Inc. CRS is the owner of the '124 patent at issue, which was developed in Florida. Turner Broadcasting System, Inc. ("TBS") is the wholly owned subsidiary of Time Warner, Inc. ("Time Warner") the nation's 49th largest corporation with over \$46 billion in reported revenue and over \$130 billion in assets. Time Warner has been a Delaware corporation since 1989. According to its most recent 10-k SEC filing, Time Warner maintains no fewer than 79 subsidiaries that are incorporated in the State of Delaware. Many of these subsidiaries, such as Cable News Network, Inc. (CNN), are actually controlled by TBS.

At issue is whether the technology incorporated in GameTap infringes the plaintiff's '124 patent. GameTap is a website through which TBS sells videogames and other digital content for download onto a personal computer. TBS created Gametap in 2005 and is the registered owner of the GameTap domain.

TBS claims that the interest of justice will best be served if the case is transferred to the Western District of Washington. The inquiry, of course, begins with the recognition that plaintiff's choice of forum is a paramount consideration that should not be lightly disturbed. TBS bears the heavy burden of proving that the balance of conveniences tips strongly in favor of transfer. For the reasons stated herein, TBS, however, has failed to satisfy its burden; therefore, its motion to transfer should be denied.

II. STATEMENT OF FACTS AND NATURE OF PROCEEDINGS

CRS is a Washington limited liability company with its principal place of business in Seattle, WA. CRS is the owner of the '124 patent at issue in this case, which was invented by Ganapathy Krishnan, John Guthrie and Scott Oyler. CRS intends to call the three inventors as witnesses, and as indicated in their respective declarations, all three inventors are able and willing to travel to Delaware to testify should this case go to trial. *See* Krishnan Decl., Guthrie Decl. and Oyler Decl. Despite the assertions made by defendant in its opening brief, the '124 patent was not developed in Washington but in Florida. *See* Krishnan Decl.

TBS is a Georgia corporation with its principal place of business in Atlanta. TBS has long and deep connections with the State of Delaware. Through a merger in 1995, TBS became a wholly owned subsidiary of Time Warner, a Delaware corporation since 1989. *See* Rogers Decl., Ex. A. Headquartered in New York City, Time Warner is the nation's 49th largest corporation with \$46 billion in annual revenue and \$133 billion in assets reported in 2007. *See* Rogers Decl., Ex. B. Time Warner employs 86,000 individuals, 9,000 of which work for TBS. *See* Rogers Decl., Ex. C and D. Moreover, according to its most recent 10-k SEC filing, Time Warner maintains no fewer than 79 subsidiaries that are incorporated in the State of Delaware. *See* Rogers Decl., Ex. E. Many of these subsidiaries, such as Cable News Network, Inc. (CNN), are actually controlled by TBS. *See* Rogers Decl., Ex. F and G.

GameTap is a website through which TBS sells videogames and other digital content for download onto a personal computer. GameTap can be found on the Internet at www.gametap.com. *See* Rogers Decl., Ex. H. TBS created Gametap in 2005 and is

the registered owner of the GameTap domain. *See* Rogers Decl., Ex. I and J. GameTap's affiliation with TGN, Inc. ("TGN"), a TBS subsidiary, is unclear except that "GameTap is a videogame website that is maintained by and on behalf of TGN." Defendant's Opening Brief at 4. While the copyright and trademark notices of TBS and the Turner trademark are conspicuously located on the GameTap homepage, the GameTap website fails to explain its relationship with TGN. *See* Rogers Decl., Ex. G and H. According to the Georgia Secretary of State, however, both TGN and TBS share the same office building and the same corporate secretary, Louise S. Sams. *See* Rogers Decl., Ex. K.

Although, Delaware might be considered geographically inconvenient for TBS, it's difficult to imagine how transferring the venue to the Western District of Washington might be considered more convenient. TBS's headquarters is stationed in Atlanta, Georgia, which is almost 2,700 miles from Seattle, WA as compared to just 750 miles from Delaware. *See* Rogers Decl., Ex. L. Time Warner and TBS have enjoyed long established ties to Delaware and the benefits of the laws of Delaware as evidenced by Time Warner's identification of no fewer than 79 Delaware subsidiaries maintained by Time Warner and/or TBS. *See* Rogers Decl., Ex. E. Moreover, TBS's business interests extend throughout North and South America, Europe, Africa, the Middle East and the Asia Pacific. *See* Rogers Decl., Ex. M.

In the last three months, including this case, CRS has filed three lawsuits claiming infringement of the '124 patent, all three of which are currently pending. On March 3, 2008, the same day that CRS filed this lawsuit against TBS, CRS filed a similar lawsuit against Valve Corporation ("Valve") in the Western District of Washington. *See* Case No. 2:08-cv-000361. Valve is a privately held Washington corporation with its principal

place of business just outside of Seattle in Bellevue, Washington. *See* Rogers Decl., Ex. N. Approximately one month later, CRS filed a second lawsuit in the District of Delaware naming Reflexive, Inc. (“Reflexive”) as the Defendant. *See* C.A. No. 08-cv-00200-SLR. Reflexive is a California corporation with its principal place of business in southern California. *See* Rogers Decl., Ex. O.

III. SUMMARY OF ARGUMENT

Transferring the case to the Western District of Washington *will not* serve the interests of justice or judicial economy. The inquiry begins with the recognition that a plaintiff's choice of forum is a paramount consideration that should not be lightly disturbed. On its motion to transfer, TBS bears a heavy burden and the Court should grant its motion only when the balance of convenience tips strongly in TBS's favor. None of the private interest factors favor, let alone strongly favor, transfer to the Western District of Washington.

With respect to the public interest factors, TBS raises three facts that it claims favor transfer of this patent infringement action to the Western District of Washington: 1) TGN's declaratory judgment action challenging the validity of the '124 patent; 2) CRS's infringement action against Valve on the same '124 patent concurrently filed in the Western District of Washington; and 3) the district's familiarity with the '124 patent. For reasons articulated below, none of these facts, however, weigh in favor of transfer either.

TBS also tries to frame the dispute as a local controversy. That characterization is inaccurate. First of all, the '124 patent was developed in Florida not Seattle, Washington. Moreover, TBS is not a local or regional business that has only targeted markets but

rather a multinational corporation and a subsidiary of Time Warner, a Delaware corporation. Both Time Warner and TBS, along with its subsidiaries such as CNN, penetrate nearly every market in the United States. Moreover, TBS's allegedly infringing GameTap service is available to practically anybody in the world with an Internet connection and a computer. Finally, since this is a patent infringement action in which the validity of the '124 patent will be at issue, the case is of national interest.

As the balance of conveniences does not favor, let alone strongly favor, transfer to the Western District of Washington, TBS has failed to satisfy its heavy burden. Consequently, the Court should deny defendant's motion to transfer.

IV. ARGUMENT

A. As There Is No Dispute That This Action May Be Brought In Both Districts, Inquiry Depends On Balancing Of *Jumara* Factors With TBS Bearing A Heavy Burden.

28 U.S.C.A. § 1404(a) permits the transfer of a civil action under certain conditions.

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”

TBS does not dispute that this patent infringement action may be brought in the District of Delaware. Plaintiff does not dispute that this action could have brought in the Western District of Washington. Consequently, whether transfer is appropriate under 28 U.S.C.A. § 1404(a) turns on the balancing of the *Jumara* factors.

The inquiry begins with the recognition that a “plaintiff's choice of a proper forum is a paramount consideration” that “should not be lightly disturbed.” *Affymetrix, Inc. v. Synteni, Inc.*, 28 F.Supp.2d 192, 197 (D. Del. 1998). Therefore, on its motion to transfer,

TBS bears a heavy burden and the Court should grant its motion only when the balance of convenience tips strongly in TBS's favor. *Id.*; see also *ADE Corporation v. KLA-Tencor Corporation*, 138 F.Supp.2d 565, 567-68 (D.Del. 2001) ("Unless the balance is strongly in favor of a transfer, the plaintiff's choice of forum should prevail").

In deciding whether to transfer the case to the Western District of Washington, the Court must consider whether the transfer would convenience (1) the parties and (2) the witnesses while (3) serving the interests of justice. See 28 U.S.C.A. § 1404(a). In the Third Circuit, this inquiry is a broad one requiring an examination of "all relevant factors to determine whether, on balance, the litigation would more conveniently proceed and the interests of justice [would] be better served by a transfer to a different forum." See *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 879 (3d Cir.1995). These *Jumara* factors include a number of non-exclusive private and public interests that the Court considers to "determine, on an individualized, case-by-case basis, whether convenience and fairness considerations weigh in favor of transfer." *Id.* at 879, 883.

The *Jumara* court identified six private interest factors: (1) the plaintiff's initial choice of forum; (2) the defendant's preference; (3) whether the claim arose elsewhere; (4) the convenience of the parties as indicated by their relative physical and financial position; (5) the convenience of the witness-but only to the extent that they may be unavailable for trial in one of the fora; and (6) the location of records and other documents-but, again, only to the extent that these files could not be produced in the alternate forum. *Id.* at 879; see also *Affymetrix*, 28 F.Supp.2d at 197. But as this Court articulated in *Affymetrix*, F.Supp.2d at 197, "it declines to give any weight to the first three *Jumara* interests-specifically, the plaintiff's choice of forum, the defendants'

preferred forum, and whether the claim arose elsewhere-in its determination of where the 'balance of convenience' lies" since "affording weight to these factors for their own sake runs the risk of double-counting them thereby compromising the transfer analysis."

But before analyzing the remaining three private-interest *Jumara* factors, CRS feels compelled to address TBS's choice of forum arguments with respect to the so-called "home turf" rule. Citing this Court's opinion in *Affymetrix* 28 F.Supp.2d at 199 and *Burroughs Wellcome Co. v. Giant Food, Inc.*, 392 F.Supp. 761 (D. Del. 1975), TBS argues that since CRS selected a forum other than its "home turf," less deference is given to CRS's choice of forum. Defendant's Opening Brief at 12. TBS misstates the law. In *Affymetrix*, 28 F.Supp.2d at 199, this Court unambiguously declared that *Burroughs* neither "states [n]or implies the Court should, or even could, pay 'less deference' or 'little deference' to [the plaintiff's] choice of forum simply because [plaintiff] left its 'home turf' to sue in the District of Delaware. Regardless of whether the plaintiff is leaving or remaining on his 'home turf' to file suit in Delaware, the degree of consideration paid to this choice stays the same -- it is 'paramount.'" Consequently, the Court should only disturb this choice if TBS is able to overcome its heavy burden of establishing that the "balance of convenience" tips *strongly* in favor of transfer.

B. None of the Three Private Interest Factors Favor, Let Alone Strongly Favor, Transfer.

1. Convenience of the Parties.

The first relevant *Jumara* private interest factor is the convenience of the parties as indicated by their relative physical and financial position. TBS is a Georgia corporation with its principal place of business in Atlanta. TBS, however, is a wholly owned subsidiary of Time Warner, Inc., a Delaware corporation since 1989. Time

Warner, of course, is one of the world's largest corporations, \$46 billion in annual revenue in 2007, with offices all over the globe. Time Warner employs 86,000 individuals, 9,000 of which work for TBS. Moreover, according to its most recent 10-k SEC filing, Time Warner maintains no fewer than 79 subsidiaries that are incorporated in the State of Delaware. Many of these subsidiaries, such as Cable News Network, Inc. (CNN), are actually controlled by TBS.

CRS is a Washington limited liability company with its principal place of business in Seattle, WA. Although CRS is small compared to both Time Warner and TBS, CRS's business interests "are largely irrelevant since the company would prefer to litigate in Delaware." *Motorola v. PC-TEL, Inc.*, 58 F. Supp.2d 349, 358 (D. Del. 1999).

Although, Delaware might be considered geographically inconvenient for TBS, it's difficult to imagine how transferring the venue to the Western District of Washington might be considered more convenient. TBS's headquarters is stationed in Atlanta, Georgia, which is almost 2,700 miles from Seattle, WA as compared to just 750 miles from Delaware. Moreover, Time Warner's 10-k SEC filing identifies no fewer than 79 Delaware subsidiaries maintained by Time Warner and/or TBS. Therefore, considering that Delaware is a geographically more convenient location for TBS than Seattle, Washington and considering Time Warner and/or TBS's substantial ties to the State of Delaware, the geography factor weighs against transfer.

Regardless of any geographical inconvenience the District of Delaware might pose to TBS, financially, TBS can clearly shoulder the burden. *See e.g. Motorola* 58 F. Supp.2d at 358 (Finding small California company with estimated \$15 million in assets to be financially capable of litigating in Delaware). TBS is the wholly owned subsidiary of

Time Warner, the nation's 49th largest corporation with over \$46 billion in reported revenue and over \$130 billion in assets. Even TBS's business interests extend throughout North and South America, Europe, Africa, the Middle East, and the Asia Pacific. As TBS is a "corporation with fairly substantial interests that operates in the national and international markets," TBS must "be able to identify some unique or unexpected burden associated with defending this action that militates against transfer." *Id.* at 358. TBS has failed to identify any such "unique or unexpected burden," therefore this factor weighs against transfer.

2. Convenience of the Witnesses

The next *Jumara* factor is the convenience of the witness – "but only to the extent that they may be unavailable for trial in one of the fora." *Affymetrix*, 28 F.Supp.2d at 197. TBS, however, has failed to identify any witnesses who might be unavailable for trial in Delaware. TBS points to the fact that the three inventors of the '124 reside within the jurisdiction of Western District of Washington, but fails to show that these three inventors are any less likely to be available for trial in Delaware than in Washington. To the contrary, all three inventors have submitted sworn declarations expressing their willingness and intent to testify in Delaware should the matter proceed to trial.

Moreover, in proving its case for patent infringement, CRS is just as interested, if not more interested, than TBS in ensuring the inventors appear for trial in Delaware. Since the availability of the three inventors is not an issue, this factor weighs against transfer. *See e.g. ADE Corporation*, 138 F.Supp.2d at 571 ("Certainly, where a witness reports that he or she is willing to appear and testify, it does not make much sense to assume he or she will not appear here and that the case should therefore be transferred").

TBS also argues that since the Seattle area was the central location for the development of the '124 patent, "it is likely that numerous other witnesses will be located in the Western District of Washington." Defendant's Opening Brief at 10. First of all, TBS's statement of fact is wrong. The '124 patent was not developed in the Seattle area but rather it was developed in Florida. Regardless, before the Court will give any weight to the convenience these witnesses, TBS must not only specifically identify the witnesses but must also apprise the Court as to the substance and materiality of their proposed testimony. *See Motorola v. PC-TEL, Inc.*, 58 F. Supp.2d 349, 358 (D. Del. 1999)("Given the lack of specificity with which these individuals are identified and the [total] absence of adequate information with respect to the content and materiality of their testimony, the court affords them no weight in the balancing test" (internal quotations omitted)). Mere speculation that numerous witnesses are likely to be located in the Western District of Washington is inadequate. Therefore, the Court should give no weight to the convenience of these unidentified witnesses.

Interestingly, TBS failed to address the fact that many witnesses are likely to be located in Atlanta, Georgia where TBS is headquartered. Clearly, the Western District of Washington is no more convenient a forum than Delaware for these potential witnesses. Additionally, the Western District of Washington will have no more power to compel the attendance of these witnesses than the District of Delaware. Thus, the convenience of the witnesses should not be considered a factor favoring transfer.

3. Location of the Records

The final private interest *Jumara* factor is the location of records and other documents. This factor is only relevant to the extent that "these files could not be

produced in the alternate forum.” *Affymetrix*, 28 F.Supp.2d at 197. But as this court noted in *Affymetrix*, 28 F.Supp.2d at 208, “recent technological advances have reduced the weight of this factor to virtually nothing” (internal citations and quotations omitted). *See also Critikon v. Becton Dickinson Vascular Access*, 821 F.Supp. 966-967 (D.Del. 1993)(Location of documents, in the context of access to proof, for a patent infringement case can be misleading since wherever trial is held, the documents will be copied and mailed to the offices of counsel then transported to trial).

TBS argues that the location of documents concerning the ‘124 patent in Seattle, Washington favors transfer to the Western District of Washington. Of course, TBS’s argument ignores the fact that numerous records and files are likely located in Atlanta, Georgia or any one of a number of jurisdictions in which TBS has a physical presence. Moreover, the documents that TBS identifies are, by counsel’s own admission, already in the possession of TBS’s attorney. Regardless, TBS has made no showing that any documents that might be located in Seattle, Washington could not be produced in the District of Delaware. Again, it is not enough for TBS to merely allege the existence of records and documents in Seattle, Washington but rather TBS has the burden of proving that “these files could not be produced in the alternate forum.” *Affymetrix*, 28 F.Supp.2d at 197. Consequently, this factor weighs against transfer. *See e.g. ADE Corporation*, 138 F.Supp.2d at 572 (“With new technologies for storing and transmitting information, the burden of gathering and transmitting documents 3,000 miles is probably not significantly more than it is to transport them 30 miles”).

C. The Relevant Public Interest Factors Also Weigh Against Transfer

In addition to the above-discussed private interest factors, the *Jumara* court also identified five public interest factors: (1) the ability of the Court to enforce the judgment; (2) practical considerations making trial easy, expeditious, or inexpensive, (3) the administrative difficulties posed by the relative congestion of the two dockets in the respective fora; (4) any local interest in deciding local controversies at home; as well as (5) the public policies of the fora. *See Jumara*, 55 F.3d at 879-80; *see also Affymetrix*, 28 F.Supp.2d at 197. Depending on the case, some of these public interests may play no role in the balance of convenience analysis. *See Affymetrix*, 28 F.Supp.2d at 205. Of the five public interest factors, TBS focuses its transfer analysis on judicial efficiency and the Western District of Washington's interest in deciding local controversies at home. For the reasons stated below, however, these factors do not support transfer in this case.

1. Judicial Economies

TBS raises three facts that it claims favor transfer of this patent infringement action to the Western District of Washington: 1) TGN's declaratory judgment action challenging the validity of the '124 patent; 2) CRS's infringement action against Valve on the same '124 patent concurrently filed in the Western District of Washington; and 3) the district's familiarity with the '124 patent. None of these facts, however, weigh in favor of transfer.

a. TGN Action is a Mirror Image Action Thus Carries No Weight in the Balance of Conveniences Analysis.

First, the TGN action should bear no weight whatsoever on the balance of conveniences. "A patent infringement defendant should not be able to strengthen its case for transfer by the simple expedient of filing a declaratory judgment action in the forum

of its choice.” *Mentor Graphics Co. v. Quickturn Design Systems, Inc.*, 77 F.Supp.2d 505, 513 (D.Del. 1999). Therefore, any efficiencies that might be achieved by consolidating this litigation with the TGN declaratory judgment action are irrelevant. *Id.*

The fact that the declaratory judgment action was filed in the Western District of Washington by TGN as opposed to TBS should have no bearing on the analysis. Not much is known about TGN except that it is a subsidiary of TBS. While TBS describes GameTap as “a videogame website that is maintained by and on behalf of TGN,” Defendant’s Opening Brief at 4, the extent of TGN’s specific role in the operation of GameTap is ambiguous. To be sure, TBS is the registered owner of the gametap.com domain. The bottom of the front page of the gametap.com website features copyright and trademark notices for TBS and conspicuously displays the Turner logo. A visit to the “About GameTap” page reveals that “GameTap is part of Turner Broadcasting System, Inc. (TBS, Inc.), a Time Warner company.” Notably absent from either of these web pages is any reference to TGN. Further investigation, however, reveals that both TGN and TBS appear to share the same office building and the same corporate secretary, Louise S. Sams. Moreover, numerous press releases concerning GameTap describe it as a division or brand of TBS, again without any mention of TGN. In sum, TBS owns GameTap, the www.gametap.com domain, and TGN. TBS’s explanation that GameTap is “maintained by and on behalf of TGN” is ambiguous at best. Therefore, as it relates to the present litigation, the Court should consider TGN to be nothing more than an alter ego of TBS.

Furthermore, both the TGN complaint and TBS’s answer in the present action pray for the same relief, namely a declaratory judgment that the download process used

on gametap.com does not infringe the '124 patent and that the '124 patent is invalid. But as both matters concern the same '124 patent, the same gametap.com domain, the same download process, the same witnesses and the same documentary evidence, the TGN case in the Western District of Washington should be considered nothing more than a mirror image action. This Court, however, has previously stated that it "gives no weight whatsoever to any efficiencies that might be achieved by consolidating [a] case with a mirror image action" filed subsequent to the litigation at issue by the party seeking transfer. *Mentor Graphics*, 77 F.Supp.2d at 513. Therefore, the TGN action is immaterial to the Court's transfer analysis.

b. CRS's Infringement Action Against Valve

Although CRS concurrently filed an infringement action in the Western District of Washington against Valve Corporation concerning the same '124 patent, any weight that this might carry in the Court's analysis should be counterbalanced by the fact that CRS has also filed an infringement action in the District of Delaware for the same '124 patent against Reflexive, a California corporation. Thus, all the arguments put forward by TBS, such as efficiency gained and expense saved by trying this case contemporaneously with the Valve litigation in the Western District of Washington, are just as applicable to the Reflexive litigation pending in this district. Accordingly, any judicial economies that might be achieved by transferring this case to Washington would also be realized by keeping this case in the District of Delaware, CRS's preferred forum. Consequently, the litigation against Valve Corporation favors transfer no more than the litigation against Reflexive warrants keeping this case in Delaware.

c. Western District of Washington's Familiarity with the '124 Patent.

TBS's argument that this case should be transferred to the Western District of Washington due its familiarity with the '124 patent is based on a myriad of assumptions, none of which are well founded.

First, TBS assumes that this case would be transferred to the Honorable Judge Pechman, who has been assigned to the recently filed TGN matter, as opposed to the Honorable Judge Jones, who has been assigned to the Valve matter, which has been litigated for over two months.

Second, TBS assumes that the Honorable Judge Pechman still retains her knowledge and familiarity with the '124 patent despite the fact in the five years since she decided *Network Commerce v. Microsoft Corp.*, 260 F.Supp.2d 1034 (W.D. Wash. 2003), the Honorable Judge Pechman has had approximately 2680 cases pending before her including 80 that were decided by trial.¹ But as TBS states in its opening brief, the claims of the '124 patent have already been construed. Surely, this Court is just as capable as the Honorable Judge Pechman at reviewing the construed claims to determine whether the technology utilized by TBS for its gametap.com website, a technology that is different from the one at issue in the *Network Commerce* case, infringes the '124 patent. Therefore, even assuming that the Honorable Judge Pechman has retained some familiarity with the '124 patent, the efficiencies to be gained are likely nominal.

Third, TBS assumes that CRS is not going to move for and be granted a dismissal of the mirror image TGN action, which appears to have been filed for no other purpose than to bolster TBS's motion to transfer. But even if this case is transferred to the

¹ These caseload statistics were taken from Exhibit C of the Larish Declaration filed in support of Defendant's Opening Brief.

Western District of Washington, the Reflexive matter will remain in Delaware and require this Court to decide issues concerning the '124 patent. Regardless, given all the assumptions upon which TBS's familiarity argument is based, the veracity of which is ambiguous, the Honorable Judge Pechman's experience with the '124 patent from five years ago can hardly weigh in favor of transfer.

2. Local Interest in Deciding Local Controversies at Home

TBS alleges that CRS is a Seattle-based company and the '124 patent was largely developed in Seattle, and then tries to frame this dispute as a local controversy. That is hardly an accurate portrayal of this case. First of all, the '124 patent was developed in Florida not Seattle, Washington. Regardless of this misstatement of fact, in *Motorola*, 58 F. Supp.2d at 358, this Court rejected a similar attempt by a multi-million dollar corporation with "fairly substantial interests that operates in the national and international marketplace." Likewise, the Court should not be persuaded by TBS's attempt to characterize dispute as one of local interests considering TBS's vast national and international business interests.

TBS is "not a local or regional business that has only targeted markets" located in the Atlanta area or on the East Coast. *Id.* As stated above, TBS is a multinational corporation and a subsidiary of Time Warner, a Delaware corporation. Both Time Warner and TBS, along with its subsidiaries such as CNN, penetrate nearly every market in the United States. Time Warner and/or TBS control at least 79 subsidiaries incorporated in Delaware. Moreover, through the magic of the Internet, TBS's GameTap service is available to practically anybody in the world with an Internet connection and a computer. By the same token, TBS's GameTap service likely has customers throughout

the United States, including Delaware. Each time one of these Delaware customers downloads digital content from GameTap, the '124 patent is being infringed. Furthermore, as this is a patent infringement action in which the validity of the '124 patent will be at issue, the case is of national interest.

Considering the broad national reach of both TBS and the alleged infringing technology incorporated in TBS's GameTap service, the fact that the '124 patent is owned by a Seattle corporation can hardly transform into a local controversy this national dispute between two companies located on opposite coasts. To the contrary, given TBS's substantial interests in the national and international marketplace, TBS "must be able to identify some unique or unexpected burden associated with defending this action that militates in favor of transfer." *Id.* at 358. TBS has failed to identify any such "unique or unexpected burden," therefore, this factor weighs against transfer.

V. CONCLUSION

For the reasons stated above, the defendant has failed to satisfy its heavy burden of proving the balance of conveniences heavily favors transfer of this case to the Western District of Washington. Therefore, as the plaintiff's choice of forum is a paramount consideration that should not be lightly disturbed, the Court should deny defendant's motion to transfer.

The Honorable Judge Gregory M. Sleet

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRS, LLC, a Washington Limited Liability
Company,

Plaintiff,

v.

TURNER BROADCASTING SYSTEM, Inc., a
Georgia Corporation

Defendant.

C.A. No. 08-127-GMS

**DECLARATION OF
GANAPATHY KRISHNAN IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION TO
TRANSFER**

I, Ganapathy Krishnan, make the following declaration:

1. I am one of the three inventors of the '124 patent at issue in this case. I make this declaration based upon personal knowledge.
2. I understand that CRS LLC has filed a patent infringement action against Turner Broadcasting System, Inc. in the District of Delaware. I understand that should this matter go to trial, I may be called as a witness.
3. Contrary to the defendant's allegations, I am not adverse to voluntarily appearing at trial in Delaware. If required to do so, I am fully able and willing to travel to Delaware to testify. At this time, I do not foresee any obstacles that might interfere with my ability and willingness to testify at trial in Delaware.

4. Dwayne Walker was an officer of TechWave, Inc. who purchased my firm, at least in part, to acquire the inventions that we had pioneered while we were in Florida.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true to the best of my knowledge.

Executed this 22nd day of May, 2008 at Woodinville, Washington.

By: Dr. Ganapathy Krishnan

A handwritten signature in black ink, appearing to read "Ganapathy Krishnan", followed by a horizontal line.

The Honorable Judge Gregory M. Sleet

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRS, LLC, a Washington Limited Liability
Company,

Plaintiff,

v.

TURNER BROADCASTING SYSTEM, Inc., a
Georgia Corporation

Defendant.

C.A. No. 08-127-GMS

**DECLARATION OF JOHN
GUTHRIE IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO TRANSFER**

I, John Guthrie, make the following declaration:

1. I am one of the three inventors of the '124 patent at issue in this case. I make this declaration based upon personal knowledge.
2. I understand that CRS LLC has filed a patent infringement action against Turner Broadcasting System, Inc. in the District of Delaware. I understand that should this matter go to trial, I may be called as a witness.
3. Contrary to the defendant's allegations, I am not adverse to voluntarily appearing at trial in Delaware. If required to do so, I am fully able and willing to travel to Delaware to testify. At this time, I do not foresee any obstacles that might interfere with my ability and willingness to testify at trial in Delaware.

I declare under the penalty of perjury under the laws of the State of Washington
that the foregoing is true to the best of my knowledge.

Executed this 23rd day of May, 2008 at Monroe, Washington.

By: _____

John Guthrie

The Honorable Judge Gregory M. Sleet

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRS, LLC

Plaintiff,

v.

TURNER BROADCASTING SYSTEM, INC.

Defendant.

C.A. No. 08-127-GMS

**DECLARATION OF JESSICA ROGERS IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION TO TRANSFER**

I, Jessica Rogers, make the following declaration:

1. I am a legal assistant at Rohde & Van Kampen PLLC. I make this declaration upon personal knowledge. Attached hereto are true and correct copies of the following documents:
2. Attached as Exhibit A is a true and correct copy of Delaware Secretary of State Summary of Time Warner Inc.

3. Attached as Exhibit B is a true and correct copy of the Fortune 500 ranking Time Warner, Inc.

4. Attached as Exhibit C is a true and correct copy of a fact sheet off Time Warner's website, www.timewarner.com.

5. Attached as Exhibit D is a true and correct copy of a summary about Turner Broadcasting System, Inc. from Turner's website, www.turner.com.

6. Attached as Exhibit E is a true and correct copy of an excerpt from a 10-k SEC Filing, filed by Time Warner, Inc on February 22, 2008.

7. Attached as Exhibit F is a true and correct copy of an overview of Turner Broadcasting System taken from Time Warner's website, www.timewarner.com.

8. Attached as Exhibit G is a true and correct copy of a summary of GameTap taken from its website, www.gametap.com.

9. Attached as Exhibit H is a true and correct copy of the front web page for www.gametap.com.

10. Attached as Exhibit I is a true and correct copy of a Time Warner press release stating Turner has entered the video game business with GameTap Broadband Entertainment Network, dated April 27, 2005.

11. Attached as Exhibit J is a true and correct copy of company information for gametap.com listed on www.alexa.com, which shows the registered owner of the www.gametap.com domain.

12. Attached as Exhibit K is a true and correct copy of Georgia Secretary of State Summary of TGN, Inc. and Turner Broadcasting System, Inc.

13. Attached as Exhibit L is a true and correct copy of Google maps showing the distance in miles between Atlanta, Georgia to Delaware and Atlanta, Georgia to Seattle, Washington

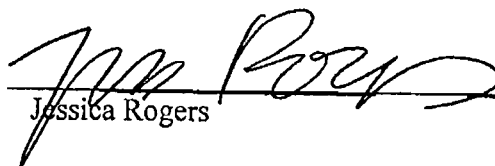
14. Attached as Exhibit M are a true and correct copies of screen shots Time Warner's website, which consist of an interactive map displaying TBS's global presence.

15. Attached as Exhibit N is a true and correct copy of an overview of Valve Corporation taken from the company's website, www.valvesoftware.com.

16. Attached as Exhibit O is a true and correct copy of an overview of Reflexive, Inc. taken from the company's website at www.reflexive-inc.com.

I declare the penalty of perjury under the laws of the State of Washington that the foregoing is true to the best of my knowledge.

Executed this 23rd day of May, 2008 at Seattle, Washington.


Jessica Rogers

Ex
C
B

Ex

Ex

EXHIBIT A



State of Delaware

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: 2190473 **Incorporation Date /** 03/15/1989
Formation Date: (mm/dd/yyyy)
Entity Name: TIME WARNER INC.
Entity Kind: CORPORATION **Entity Type:** GENERAL
Residency: DOMESTIC **State:** DE

REGISTERED AGENT INFORMATION

Name: THE CORPORATION TRUST COMPANY
Address: CORPORATION TRUST CENTER 1209 ORANGE STREET
City: WILMINGTON **County:** NEW CASTLE
State: DE **Postal Code:** 19801
Phone: (302)658-7581

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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EXHIBIT B

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FORTUNE 500 *Our annual ranking of America's largest corporations* 2008

Full List Near You CEOs Top Companies Top Industries

49. Time Warner

49 of 1000

Back Next

Rank: 49 (Previous rank: 48)

Compare tool: Time Warner vs. Top 10

CEO: Jeffrey L. Bewkes

Address: 1 Time Warner Center

New York, NY 10019

Phone: 212-484-8000

Website: www.timewarner.com

New CEO Jeff Bewkes is trying to revive the share price of the entertainment giant (parent of both Fortune and CNNMoney.com) and make the company more profitable. In addition to splitting up AOL's advertising and Internet access business into separate divisions, he has indicated the possibility of combining AOL with another entity. Reports suggest AOL is in talks with Yahoo. This past February, the company announced that New Line Cinema would be folded into the Warner Brothers family to cut costs. Bewkes has also announced an intention to reduce the company's 84% stake in its cable subsidiary.



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	\$ millions	% change from 2006
Revenues	48,615.0	4.1
Profits	4,387.0	-33.0
Assets	133,830.0	—
Stockholders' equity	58,536.0	—
Market value (3/28/2008)	49,603.6	—
Profit as % of		
Revenues		9.4
Assets		3.3
Stockholders' equity		7.5
Earnings per share		
2007 \$		1.17
% change from 2006		-24.5
1997-2007 annual growth rate %		N.A.
Total return to investors		%
2007		-23.2
1997-2007 annual rate		11.6

See Time Warner in...

...Top 50 Headquarters



Show: Top 50 | 25 Most Profitable | Fortune 500 | Time Warner

...What Readers Say

They speak out on Time Warner and other 500 companies...

Be your own boss! Employees are sads

I just got on with JP Morgan Chase and there is a great deal of app...

I work for Johnson Controls since

Find your top companies

- ☐ High revenue growth ☐ High profit growth
☐ High EPS growth ☐ High return to investors
☐ Top 5 in its industry ☐ Best company to work for
☐ Big employer ☐ Small employer

Select Industry(s)

See All

Select State(s)

See All

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Video (2 of 4)

Industry: Entertainment

19-11-2007 and it's great!

Rank	Company	500 rank	Revenues (\$ millions)	Have your say
1	Time Warner	49	46,615.0	
2	Walt Disney	67	35,882.0	
3	News Corp.	84	28,655.0	
More competitors			See all	

From the May 5, 2008 issue

Revenues: Includes revenues from discontinued operations.

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Top 3HOW STATES
STACK UPBEST
EMPLOYERS

Rank	# of Fortune 500 Companies
Texas	58
New York	55
California	52

See the rest

FAQ and methodology

Included in the survey are U.S. incorporated companies filing financial statements with a government agency. This includes private companies... More

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The private equity firms that will thrive in the year ahead are those that know how to profit from others' misfortunes.

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








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SEC Filings data provided by Edgar Online Inc.
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EXHIBIT C

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OUR COMPANY

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CORPORATE PROFILE




FACT SHEET

HEADQUARTERS

Time Warner Inc.
One Time Warner Center
New York, NY 10019
Phone 212.484.8000



Building Brands for a Digital World

2007 Corporate Profile Book 
2007 European Profile Book 
2007 Asia Pacific Profile Book 



AOL LLC
770 Broadway
New York, NY 10003
Phone 212.652.6400

HBO
1100 Avenue of the Americas
New York, NY 10036-6712
Phone 212.512.1000



Time Warner Cable
One Time Warner Center,
North Tower
New York, NY 10019
Phone 212.364.8200

Turner Broadcasting System
1 CNN Center
Atlanta, GA 30303
Phone 404.827.1700

Time Inc.



Time Inc.
1271 Avenue of the Americas
New York, NY 10020-1393
Phone 212.522.1212

Warner Bros. Entertainment
4000 Warner Blvd.
Burbank, CA 91522
Phone 818.954.6000

NUMBER OF EMPLOYEES

Total Worldwide: Approximately 86,000 as of December 31, 2007

STOCK TICKER INFORMATION

Time Warner common stock is traded on the New York Stock Exchange under the symbol **TIME**. For more information, please visit www.timewarner.com.

exchange under the symbol TWX. For more information, please visit the Investor Relations section.

A SELECTION OF AWARDS AND HONORS

2008 AdweekMedia Hot List, March 2008: Time Inc.'s People.com was named AdweekMedia's Web Site of the Year. *Real Simple* ranked second on Adweek's "Top Ten" list, while *All You* was number six on its "Top Ten Under Fifty" (magazines with annual revenue under \$50 million) list.

GLAAD Media Awards, March 2008: Time Warner companies received three awards; two for CNN and one for *People en Español*.

National Headliner Awards, March 2008: Time Inc. and Turner Broadcasting won a combined total of seventeen awards.

Second Annual MPA Digital Awards, March 2008: Time Inc. won a total of eight awards, include Website of the Year honors in their respective categories for TIME.com, People.com and SI.com.

80th Annual Academy Awards, February 2008: Time Warner companies received a total of six Oscars®, including two each for Picturehouse and HBO and one each for Warner Bros. and New Line Cinema.

AWRT Gracie Allen Awards, February 2008: Time Warner companies received ten awards, including seven for Turner Broadcasting, two for HBO and one for Warner Bros.

39th NAACP Image Awards, February 2008: HBO and TBS each received three awards, while Warner Bros. Entertainment received one.

14th Annual Screen Actors Guild Awards, January 2008: HBO won five awards, including three for *The Sopranos*, one for *As You Like It* and one for *Life Support*.

65th Golden Globe® Awards, January 2008: Time Warner companies won 9 awards. HBO received six, Warner Bros. won two, and Picturehouse received one.

People's Choice Awards, January 2008: Warner Bros. Television received four awards, including Favorite TV Comedy (*Two and a Half Men*), Favorite New TV Drama (*Moonlight*), Favorite Talk Show Host (Ellen DeGeneres) and Favorite Movie Drama (*Harry Potter and the Order of the Phoenix*). New Line won Favorite Song From a Soundtrack ("You Can't Stop the Beat" from *Hairspray*).

Producers Guild of America Awards, January 2008: HBO received two awards, one for Producer of the Year in Long-Form Television (*Bury My Heart at Wounded Knee*) and one for Producer of the Year in Episodic Television - Drama (*The Sopranos*). Warner Bros. President and COO Alan Horn was honored with the guild's Milestone Award.

59th Technology & Engineering Emmy® Awards, January 2008: CNN was honored for developing an unrivaled portable kit that enables journalists to report, edit and produce news packages from nearly anywhere on the globe. Read more [\[link\]](#)

59th Emmy® Awards, September 2007: Time Warner companies won 28 Primetime and Creative Arts Emmy Awards, including fifteen for HBO, eight for Cartoon Network, three for Warner Bros. Television and two for TNT. Additionally, CNN won a News and Documentary Emmy for its coverage of Election Night 2006.

International Broadcasting Conference's 2007 Innovation Awards, September 2007: CNN won two awards, one for Content Creation and a Judges' Prize for Top Innovation.

Working Mother's 2007 100 Best Companies. September

2007: Turner Broadcasting System, Inc. was a 2007 Best Company Winner.

The 33rd Humanitas Prize, June 2007: Awards were given to HBO Films for *Longford* and to Warner Bros. Television for the *The New Adventures of Old Christine*.

34th Annual Creative Daytime Emmys, June 2007: Warner Bros. Television won seven awards, including four for the *The Ellen DeGeneres Show*. Turner Broadcasting's Cartoon Network won one award for *Ben 10*.

66th Annual Peabody Awards, June 2007: HBO won five awards, including one for Spike Lee's *When the Levees Broke: A Requiem In Four Acts*.

Diversity Inc.'s Top 50 Companies for Diversity, June 2007: Turner Broadcasting System, Inc. placed twenty-first on the list.

EXECUTIVES

To learn more about Time Warner's senior management, including the board of directors and senior corporate executives, please visit the Management section.

BUSINESSES

To learn more about Time Warner's businesses (AOL, HBO, Time Inc., Time Warner Cable, Turner Broadcasting System and Warner Bros. Entertainment), please visit the Businesses section.

last updated: March 31, 2008

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EXHIBIT D

About Us

Turner Broadcasting System, Inc. (TBS, Inc.), a Time Warner company, creates and programs branded news, entertainment, animation and young adult media environments on television and other platforms for consumers around the world. TBS, Inc. is based in Atlanta, GA, and employs more than 9,000 people worldwide. Philip I. Kent oversees TBS, Inc. as chairman and CEO.

Many are familiar with TBS, Inc.'s groundbreaking network, CNN, one of the world's most respected and trusted sources for news and information. TBS, Inc. is also home to familiar entertainment networks such as TBS, TNT, Cartoon Network, Turner Classic Movies, Adult Swim and truTV.

We invite you to explore TBS, Inc.'s history and to learn more about our company.

EXHIBIT E

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The following is an excerpt from a 10-K SEC Filing, filed by TIME WARNER INC. on 2/22/2008.

Jump

to: -- Use Sections To Navigate Through The Document --

EXHIBIT 21

SUBSIDIARIES OF TIME WARNER INC.

Time Warner maintains over 1,500 subsidiaries. Set forth below are the names of certain controlled subsidiaries, at least 50% owned, directly or indirectly, of Time Warner as of December 31, 2007, that carry on a substantial portion of Time Warner's lines of business. The names of various consolidated wholly owned subsidiaries have been omitted. None of the foregoing omitted subsidiaries, considered either alone or together with the other subsidiaries of its immediate parent, constitutes a significant subsidiary.

Name	State or Other Jurisdiction of Incorporation
Time Warner Inc. (Registrant)	Delaware
TW AOL Holdings Inc.	Virginia
AOL Holdings LLC	Delaware
AOL LLC	Delaware
ADTECH AG	Germany
AdTech US, Inc.	Delaware
Advertising.com, Inc.	Maryland
Advertising.com (ADV) Germany GmbH	Germany
Advertising.com Denmark APS	Denmark
Advertising.com Finland OY	Finland
Advertising.com France, Sarl	France
Advertising.com International Holdings Limited	United Kingdom
Advertising.com International Limited	United Kingdom
Advertising.com Netherlands B.V.	Netherlands
Advertising.com Norway AS	Norway
Advertising.com Spain, S.L.	Spain
Advertising.com Sweden, AB	Sweden
AOL Online India Private Limited	India
AOL Asia Limited	Hong Kong
AOL Australia PTY Limited	Australia
AOL Beijing Technology Research & Development Company Limited	China
AOL Canada, Inc.	Canada

AOL Community, Inc.	Delaware
AOL Deutschland Medien GmbH	Germany
AOL Europe Services Sarl	Luxembourg
AOL France SNC	France
AOL Global Operations Limited	Ireland
AOL Interactive Media India Private Limited	India
AOL Mexico S. de R.L. de C.V.	Mexico
AOL Nederland BV	Netherlands
AOL Relegence Israel Ltd.	Israel
AOL (UK) Limited	United Kingdom
CompuServe Interactive Services France SNC	France

CompuServe Interactive Services, Inc.	Delaware
ICQ LLC	Delaware
ICQ Ltd.	Israel
InfoInterActive Corp.	Nova Scotia
Lightningcast LLC	Delaware
MapQuest, Inc.	Delaware
MapQuest PA, Inc.	Delaware
Netscape Communications Corporation	Delaware
Quigo Technologies, Inc.	Delaware
TACODA, Inc.	Delaware
TACODA, Ltd.	United Kingdom
The Relegence Corporation	Delaware
Third Screen Media, Inc.	Delaware
Totekasche Holdings, Inc. d/b/a Userplane	Delaware
Truveo, Inc.	Delaware
WL Acquisition LLC	Delaware
Xdrive, LLC	Delaware
Yedda Technologies-Knowledge Management Services (Y.O.D.E.A.	
2006) Ltd.	Israel
Historic TW Inc.	Delaware
Turner Broadcasting System, Inc.	Georgia
Cable News International, Inc.	Georgia
Cable News Network, Inc.	Delaware
CNN America, Inc.	Delaware
CNN Interactive Group, Inc.	Delaware
CNN Newsource Sales, Inc.	Georgia
Courtroom Television Network LLC (dba TRUTV)	New York
CTG Inversara S.A.	Argentina
New Line Cinema Corporation	Delaware
Material Entertainment	United Kingdom (1)
New Line Distribution, Inc.	California
New Line Home Entertainment, Inc.	New York
New Line Productions, Inc.	California
New Line Television, Inc.	California
New Line Theatricals, Inc.	New York
Picturehouse Films	New York
Superstation, Inc.	Georgia
TEN Network Holding, Inc.	Delaware
TGN, Inc.	Georgia
The Cartoon Network, Inc.	Delaware
Turner Broadcasting System Asia Pacific, Inc.	Georgia
Turner Entertainment Holdings Asia Pacific Limited	Georgia
Turner Broadcasting Sales, Inc. (dba Turner Entertainment New Media)	Hong Kong
Turner Broadcasting System (Holdings) Europe Ltd.	Georgia
Turner Broadcasting System International, Inc.	United Kingdom
Turner Broadcasting System Latin America, Inc.	Georgia
Turner Classic Movies, Inc.	Georgia
Turner Entertainment Networks Asia, Inc.	Delaware
	Georgia

Turner Entertainment Networks Inc.	Georgia
Turner Network Sales, Inc.	Georgia
Turner Network Television, Inc.	Delaware
Turner Sports, Inc.	Georgia
Time Warner Companies, Inc.	Delaware
American Television and Communications Corporation	Delaware
Time Inc.	Delaware
Entertainment Weekly Inc.	Delaware
Essence Communications Inc.	Delaware
Expansión, S.A. de C.V. (Grupo Editorial Expansión)	Mexico
IPC Group Limited	United Kingdom
Magazine Retail Enterprises Inc.	Delaware
Media Networks, Inc.	Delaware
Southern Progress Corporation	Delaware
Oxmoor House, Inc.	Delaware
Sunset Publishing Corporation	Delaware
Synapse Group, Inc.	Delaware (1)
This Old House Ventures, Inc.	Delaware
Time Canada Ltd.	Canada
Time Consumer Marketing, Inc.	Delaware
Time Customer Service, Inc.	Delaware
Time Direct Ventures LLC	Delaware
Time/Warner Retail Sales & Marketing Inc.	New York
Time Inc. Interactive	Delaware
Time Warner Publishing B.V.	Netherlands
Warner Communications Inc.	Delaware
DC Comics (partnership)	New York
E.C. Publications, Inc.	New York
Home Box Office, Inc.	Delaware
HBO Services, Inc.	Delaware
Picturehouse Films	New York
Time Warner Cable Inc.	Delaware (1)
Road Runner HoldCo LLC	Delaware
Time Warner Cable LLC	Delaware
TW NY Cable Holding Inc.	Delaware
Time Warner NY Cable LLC	Delaware
Time Warner Entertainment Company, L.P.	Delaware

Time Warner Entertainment-Advance/Newhouse Partnership	New York (1)
TW UK Holdings Inc.	Delaware
Time Warner Entertainment Limited	United Kingdom
TT Games Ltd.	United Kingdom
TW Ventures Inc.	Delaware
Castle Rock Entertainment	California
Castle Rock Entertainment, Inc.	Georgia
Warner Bros. (F.E.) Inc.	Delaware
Warner Bros. (South) Inc.	Delaware
Warner Bros. Entertainment Inc.	Delaware
Burbank Television Enterprises LLC	Delaware
Telepictures Production Inc.	Delaware
Warner Bros. International Television Distribution Inc.	Delaware
Warner Bros. Television Distribution Inc.	Delaware
Warner Horizon Television Inc.	Delaware
Warner Bros. Entertainment Australia Pty Limited	Australia
Warner Bros. Consumer Products Inc.	Delaware
Warner Bros. Home Entertainment Inc.	Delaware
Monolith Productions Inc.	Washington
WB Games Inc.	Delaware
Warner Bros. Animation Inc.	Delaware
Warner Bros. Enterprises LLC	Delaware
Warner Specialty Films Inc.	Delaware
Warner Bros. Technical Operations Inc.	Delaware
WB Studio Enterprises Inc.	Delaware
Warner Bros. Distributing Inc.	Delaware
Warner Bros. International Cinemas Inc.	Delaware
Warner Bros. Entertainment GmbH	Germany
Warner Bros. Entertainment Espana S.L.	Spain

Warner Bros. Entertainment France S.A.S.	France
Warner Bros. (Korea) Inc.	Korea
Warner Bros. Theatrical Enterprises LLC	Delaware
Warner Entertainment Japan Inc.	Japan
Warner Village Cinemas S.p.A.	Italy
WB Communications Inc.	Delaware
The CW Network LLC	California (1)
WB 100-Plus Station Group Inc.	Delaware

WTTA Incorporated	Delaware
Hanna-Barbera Entertainment Co., Inc.	California
Hanna-Barbera, Inc.	Georgia
Turner Entertainment Co.	Delaware
Time Warner International Finance Limited	United Kingdom
Time Warner Realty Inc.	Delaware

(1) Less than 100% owned

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GLOBAL PRESENCE



TURNER BROADCASTING SYSTEM

OVERVIEW

Best in Entertainment, Animation and News

Turner Broadcasting operates worldwide entertainment, animation and news networks and businesses whose performances continue to lead their respective industry segments.

CORE STATISTICS

- #1 In total day delivery of Adults 18-49 and Adults 25-54 during 2007 (TNT)
- #1 In total day delivery of Adults 18-34 and Adults 18 - 24 during 2007 (Adult Swim)
- 10 2007 Primetime Emmy® Awards — 8 for Cartoon Network and 2 for TNT


HIGHLIGHTS

The continuing strong performance of Turner's core television networks business is powering digital growth across the portfolio. Leading the company's entertainment division in 2007, TNT, television's "destination for drama," ranked #1 in total day delivery of Adults 18-49 and Adults 25-54 among advertising-supported cable networks. TNT's *The Closer* continued as advertising-supported cable's #1 original series of all time in Total Viewer and Household delivery, while TNT's *Saving Grace* was advertising-supported cable's #1 new original drama series in 2007 among Households. For the third year in a row, Adult Swim was advertising-supported cable's #1 network for total day delivery of Adults 18-34 and Adults 18-24, and it set a new all-time cable in 2007 record for delivery of Adults 18-34. In addition, Turner Broadcasting garnered ten awards at the 59th Primetime Emmy® Awards — eight for Cartoon Network and two for TNT.

Turner's CNN and CNN Headline News networks, 24-hour per day cable television news services, reached approximately 96.4 million U.S. television households and 95.9 million U.S. television households, respectively, as of December 2007. A high definition feed of CNN also is available. As of December 31, 2007, CNN managed 39 news bureaus and editorial operations, of which 10 are located in the U.S. and 29 are located around the world. CNNInternational, an English language news network, reached more than 200 countries and territories as of the end of 2007.


Turner Broadcasting is well-positioned for continuing success through the company's investment in quality entertainment, animation and sports content to sustain the market leadership of



Launch Interactive Map 

OPERATING OFFICERS

Philip Kent, Chairman and CEO

Complete list of operating officers 

COMPANY WEBSITES

www.turner.com


More Turner websites 

RECENT NEWS

Turner Entertainment Networks Offers Dynamic Programming Slate: Big Stars and Innovative New Options for Advertisers [Read More](#)

CNN.com, Mixx Enter Alliance to Bolster Online News Community [Read More](#)

CNN Mobile Wins Webby People's Voice Award [Read More](#)

All Turner Broadcasting System News 

SHOP & SUBSCRIBE

Cartoon Network
The Turner Store

Turner's established networks and businesses; technology innovation that furthers CNN's global news-gathering leadership and creates new opportunities for strategic brand extension; and a company-wide focus on Turner's digital future.

EVENTS



31 Days of Oscar
Beginning February 1 on TCM.
Uncut and commercial free.



The Closer
New episodes coming in 2008.

BRANDS

Adult Swim
Boomerang
Cartoon Network
Cartoon Network Asia Pacific
Cartoon Network Europe
Cartoon Network Latin America
Cartoon Network Studios
Williams St. Studio
CNN / U.S.
CNN Airport Network
CNN en Espanol
CNN en Espanol Radio
CNN Headline News
CNN Headline News
in Latin America
CNN Headline News
in Asia Pacific
CNN International
CNN Mobile
CNNMoney.com

CNN Newsource
CNN Pipeline
CNN.com
CNNRadio
CNNStudentNews.com
CNN to Go
GameTap
NASCAR.com
PGA.com
Pogo
TBS
TCM Asia Pacific
TCM Canada
TCM Europe
TCM Classic Hollywood
in Latin America
TNT HD
TNT Latin America
Toonami
truTV
Turner Classic Movies
Turner Network Television

Joint Ventures

BOING
Cartoon Network Japan
CNN+
CETV
CNNj
CNN Turk
CNN-IBN
CNN.de (German)
CNN.co.jp (Japanese)
NBC / Turner
NASCAR Races
n-tv
Zee / Turner

last updated: February 7, 2008

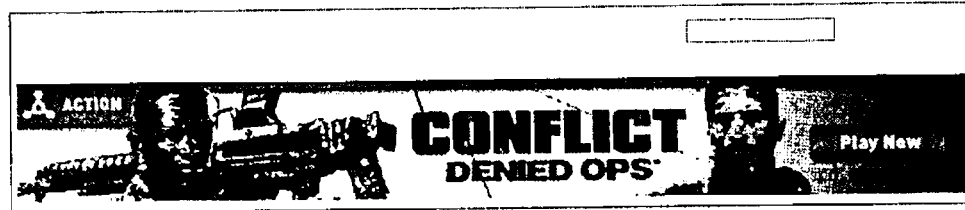
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EXHIBIT G



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ABOUT GAMETAP

GameTap is the ever-expanding playground of video games from the arcade classics to console and PC hits.

For the first time ever, gamers of all ages will be able to play the greatest games in their original format, regardless of platform, right on their personal computers. Together with the largest and deepest library of video games currently available, GameTap also delivers a host of bonus materials and special programming about video games available nowhere else.

GameTap is part of Turner Broadcasting System, Inc. (TBS, Inc.), a Time Warner company. TBS is a major producer of news and entertainment product around the world and the leading provider of programming for the basic cable industry.

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GameTap is part of the Turner Sports and Entertainment Digital Network.



EXHIBIT H



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TOP FREE GAMES

Action

Zoo Keeper™
 Space Invaders™™
 1943: The Battle of Midway
 Defender™™
[See all](#)

Fighting

Final Fight
 The Last Blade
 Super Street Fighter II: The New Challengers
 Mega Man®: The Power Battle
[See all](#)

Classic Arcade

Defender™
 Root Beer Tapper™
 The New Zealand Story™
 Bubble Bobble™
[See all](#)

Strategy

Commandos 3: Destination Berlin
 Disciples II: Rise of the Elves Gold
 Nemesis of the Roman Empire
 Warlords: Battlcrey III
[See all](#)

Monday Leaderboard Tournament tap this daily

THIS WEEK: PAC-MAN
 Submit your high score to the Leaderboard before midnight tonight EST for your chance to win red hot prizes!

[read](#) [watch](#)

C&C: Red Alert 3 Tapped In: Yars' Revenge

Free Games

1943: The Battle of Midway Bubble Bobble™ Bust-A-Move™ Space Invaders™

New Games

Outpost Kaloki Five Card Deluxe Alpha Prime Chameleon Gems

Featured Games

Sid Meier's Civilization IV Deus Ex™ Overlord™ Total Overdose™

Plug and Play
 May 19, 2008

A Day In the Extra Life
 Pac-Man: Sopranos

10 Years of Tomb Raider
 Tomb Raider: Anniversary



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Back to Back [SHOP NOW](#)

YOU GOTTA PLAY

Prince of Persia: The Sands of Time Within
 Planescape Torment
 Street Fighter III: Third Strike

talk

Popular Discussions

whats the fuss about sam & max?

HaterTots wrote: hopefully gt will get that someday That's up i...
 Posted: May 19 07:01 PM by NinjaPirate119

Were'nt all Thief game sposed to be coming to Gametap?


I think i read somewhere that the engine used in the first two game...

Posted: May 19 12:40 PM by MobiusArcher

Does gametap need better games for free play?

seriously. gt is only 60 a month, go sell your plasma and stop comp...


Posted: May 19 08:25 PM by HaterTots


watch

Best Of GameTap
Best of GameTap Franchises

Friend codes for Super Smash Bros. Brawl
 bonjour les gens. whos allant jouer vendredi ? si vous êtes, que
 m'a...
 Posted: May 19 00:34 PM by wassupe1111

474


read


Command & Conquer: Re...
A time-travel RTS with bears and boats?
Sign me up.

Sonic Unleashed (PS3, Xbo...
Hey kids, Sonic is back. Remember Sonic?

Castlevania: Order of Ecc...
Start sharpening that stylus—you-know-who
is back!

Gears of War 2 (Xbox 360)
Get your 360 ready for more blockbuster
summer action craziness.

Left 4 Dead (PC, Xbox 360)
Two idiots bumble their way through Valve's
zombie outbreak.



Call of Duty 4: Modern Warfare
The new action-thriller from the award-winning team at Infinity Ward, the creators of the Call of Duty series, delivers the most intense and cinematic action experience ever. Call of Duty 4: Modern Warfare arms gamers with an arsenal of advanced and powerful modern day

Hot Sellers

Gears of War
Tom Clancy's Rainbow Six Vegas 2
Pro Evolution Soccer 2008
Frontlines: Fuel of War
The Club
See all games in the shop

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<http://www.gametap.com/>

5/19/2008


EXHIBIT I

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[illegible]

5/15/2008

erogers@accesspr.com; cbagley@accesspr.com

View All Press Releases 

SEARCH PRESS RELEASES


Start Date: Jan 01 1999

End Date: Jun 16 2008

Company: All Companies

Keyword:

SEARCH

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EXHIBIT J

Search Traffic Rankings Directory Alexa Toolbar Developer's Corner Blog

www.gametap.com/common/abc [Get Traffic Details](#) Top 500 • Movers & Shakers

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www.gametap.com

More Tees



Gametap.com

gametap.com/common/about_gametap.jsp

Gametap.com has a traffic rank of: 4,579

Company Info for gametap.com:

Turner Broadcasting System, Inc.

One CNN Center, 13N
Atlanta, GA
30303
US

Phone: +1 404 827 3470
Fax: +1 404 827 1995
tmgroup [at] turner.com

Site Stats for gametap.com:

- Gametap.com has a traffic rank of: 4,579 (▼1,520)
- Speed: Very Slow (94% of sites are faster), Avg Load Time: 8.0 Seconds
- Other sites that link to this site: 294
- Online Since: 29-Jun-2001

[Edit gametap.com contact info...](#)[See gametap.com traffic details...](#)

Sites with registration info similar to gametap.com:

Cartoonnetworkkya.com
cartoonnetworkkya.com
Site info for cartoonnetworkkya.com

Tbs.com
tbs.com
Site info for tbs.com

Ticketu.com
ticketu.com
Site info for ticketu.com

Tcmdb.com
tcmdb.com
Site info for tcmdb.com

Banzu.com
banzu.com
Site info for banzu.com

Turnerclassicismovies-yfcc.com
turnerclassicismovies-yfcc.com
Site info for turnerclassicismovies-yfcc.com

Kidshelpout.org
kidshelpout.org
Site info for kidshelpout.org

Rediscoverlebanon.com
rediscoverlebanon.com
Site info for rediscoverlebanon.com

Truckatoon.com
truckatoon.com
Site info for truckatoon.com

Trumpetawards.com
trumpetawards.com
Site info for trumpetawards.com

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Business Name History

Name	Name Type
TGN, INC.	Current Name

Profit Corporation - Domestic - Information

Control No.:	0448481
Status:	Active/Noncompliance
Entity Creation Date:	8/12/2004
Jurisdiction:	GA
Principal Office Address:	ONE CNN CENTER ATLANTA GA 30303-2762
Last Annual Registration Filed Date:	4/4/2006
Last Annual Registration Filed:	2006

Registered Agent

Agent Name:	C.T. CORPORATION SYSTEM
Office Address:	1201 PEACHTREE STREET, NE ATLANTA GA 30361
Agent County:	FULTON

Officers

Title:	CEO
Name:	JIM MCCAFFREY
Address:	ONE CNN CENTER ATLANTA GA 30348

Title:	CFO
Name:	DENNIS BURROUGHS
Address:	ONE CNN CENTER ATLANTA GA 30348

Title:	Secretary
Name:	LOUISE S. SAMS
Address:	ONE CNN CENTER ATLANTA GA 30348



Georgia Secretary of State

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 - [New Non-Profit Corporation](#)
 - [New Professional Corporation \(PC\)](#)
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Business Name History

Name	Name Type
TURNER BROADCASTING SYSTEM, INC.	Current Name

Profit Corporation - Domestic - Information

Control No.:	J604728
Status:	Active/Owes Current Year AR
Entity Creation Date:	5/12/1965
Jurisdiction:	GA
Principal Office Address:	ONE TIME WARNER CENTER NEW YORK NY 10019
Last Annual Registration Filed Date:	4/18/2007
Last Annual Registration Filed:	2007

Registered Agent

Agent Name:	C T CORPORATION SYSTEM
Office Address:	1201 PEACHTREE STREET, NE ATLANTA GA 30361
Agent County:	FULTON

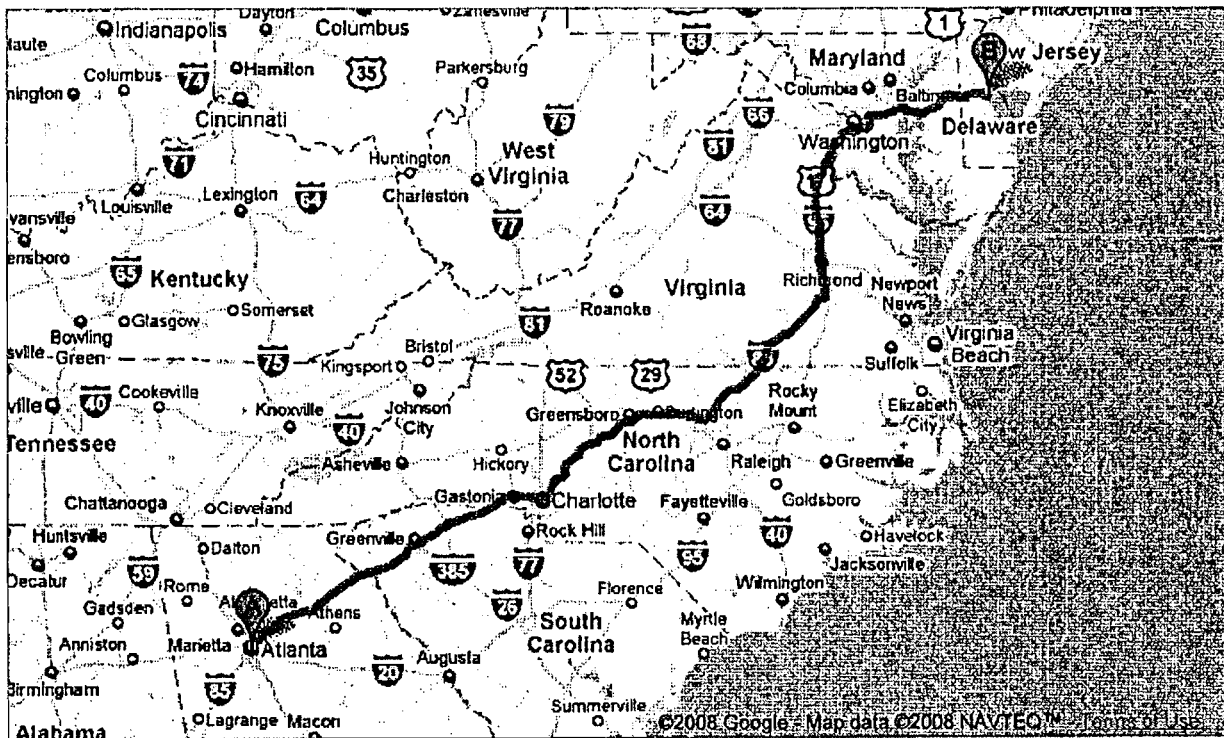
Officers

Title:	CEO
Name:	PHILIP KENT
Address:	ONE CNN CENTER ATLANTA GA 30303

Title:	CFO
Name:	VICTORIA MILLER
Address:	ONE CNN CENTER ATLANTA GA 30303

Title:	Secretary
Name:	LOUISE S SAMS
Address:	ONE CNN CENTER ATLANTA GA 30303

EXHIBIT L



Drive: 745 mi – about 12 hours 27 mins

1. Head **southeast** on **Trinity Ave SW** toward **Washington St SW** 0.2 mi
2. Slight **left** at **Memorial Dr SW** 0.3 mi
3. Turn **left** at **Martin St SE** 361 ft
4. Take the ramp onto **I-75 N/I-85 N** 507 mi
Continue to follow I-85 N
Passing through South Carolina, North Carolina
Entering Virginia
5. Take the exit onto **I-95 N** toward **Richmond** 118 mi
6. Take the exit on the left onto **Capital Beltway/I-495 E/I-95 N** toward **Baltimore** 26.5 mi
Passing through District of Columbia
Entering Maryland
7. Take exit **19A** to merge onto **US-50 E** toward **Annapolis** 40.7 mi
Partial toll road
8. Continue on **US-301 N** (signs for **Wilmington/US-301 N**) 18.2 mi
9. Turn **right** at **Barclay Rd/MD-302** 9.0 mi
10. Turn **right** at **Crown Stone Rd/MD-454** 2.2 mi
Entering Delaware
11. Continue on **Halltown Rd/SR-8** 17.0 mi

Continue to follow SR-8

- | | |
|---------------------------------------|--------|
| 12. Slight right at N Little Creek Rd | 407 ft |
| 13. Turn right at Main St/SR-9 | 2.8 mi |
| Continue to follow SR-9 | |
| 14. Turn left at Pickering Beach Rd | 2.2 mi |
| 15. Turn left at N Sandpiper Dr | 0.1 mi |



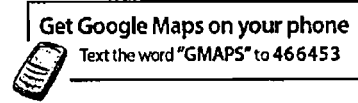
Delaware

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Start **Atlanta, GA**
End **Seattle, WA**
Travel **2,695 mi** – about **1 day 15 hours**

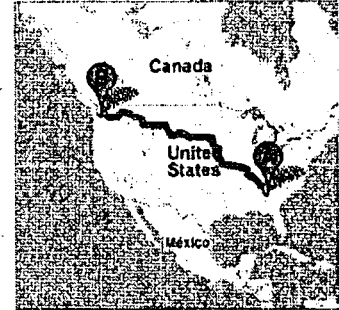


Atlanta, GA

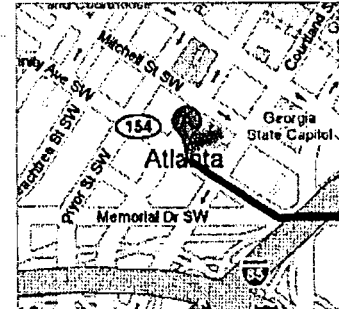
Drive: 2,695 mi – about 1 day 15 hours

1. Head **southeast** on **Trinity Ave SW** toward **Washington St SW** 0.2 mi
1 min
- ← 2. Slight **left** at **Memorial Dr SW** 0.3 mi
1 min
- ← 3. Turn **left** at **Martin St SE** 361 ft
4. Take the ramp onto **I-75 N/I-85 N** 109 mi
Continue to follow I-75 N
Entering Tennessee 1 hour 42 mins
- ← 5. Take exit **2** on the **left** to merge onto **I-24 W** toward **Nashville/Chattanooga** 318 mi
Passing through Georgia, Tennessee, Kentucky
Entering Illinois 4 hours 47 mins
6. Take exit **44B** to merge onto **I-57 N** toward **Chicago** 52.1 mi
48 mins
- ← 7. Slight **left** at **I-64 W** (signs for **St Louis/I-64 W**) 71.5 mi
1 hour 7 mins
8. Take exit **2C** for **M L King Bridge** toward **Downtown St Louis** 0.8 mi
1 min
9. Merge onto **Dr Martin Luther King Jr Memorial Bridge** 1.1 mi
Entering Missouri 2 mins
- ← 10. Merge onto **I-70 W** via the ramp on the **left** to **Kansas City** 241 mi
3 hours 39 mins
11. Take exit **8B** to merge onto **I-435 N** toward **Des Moines** 28.4 mi
26 mins
12. Merge onto **I-29 N** 346 mi
Passing through Iowa
Entering South Dakota 5 hours 0 mins
13. Take exit **84B** to merge onto **I-90 W** toward **Rapid City** 702 mi
Passing through Wyoming
Entering Montana 9 hours 29 mins
14. Take the exit onto **I-90 W** toward **Billings** 823 mi
Passing through Idaho
Entering Washington 11 hours 34 mins
15. Take exit **2C** for **I-5 N** toward **Vancouver B.C.** 0.7 mi
1 min
- 16. Keep **right** at the fork, follow signs for **James St** 0.3 mi
- ← 17. Turn **left** at **James St** 0.1 mi
2 mins

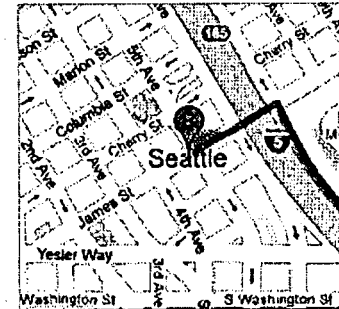
Overview



Start



End



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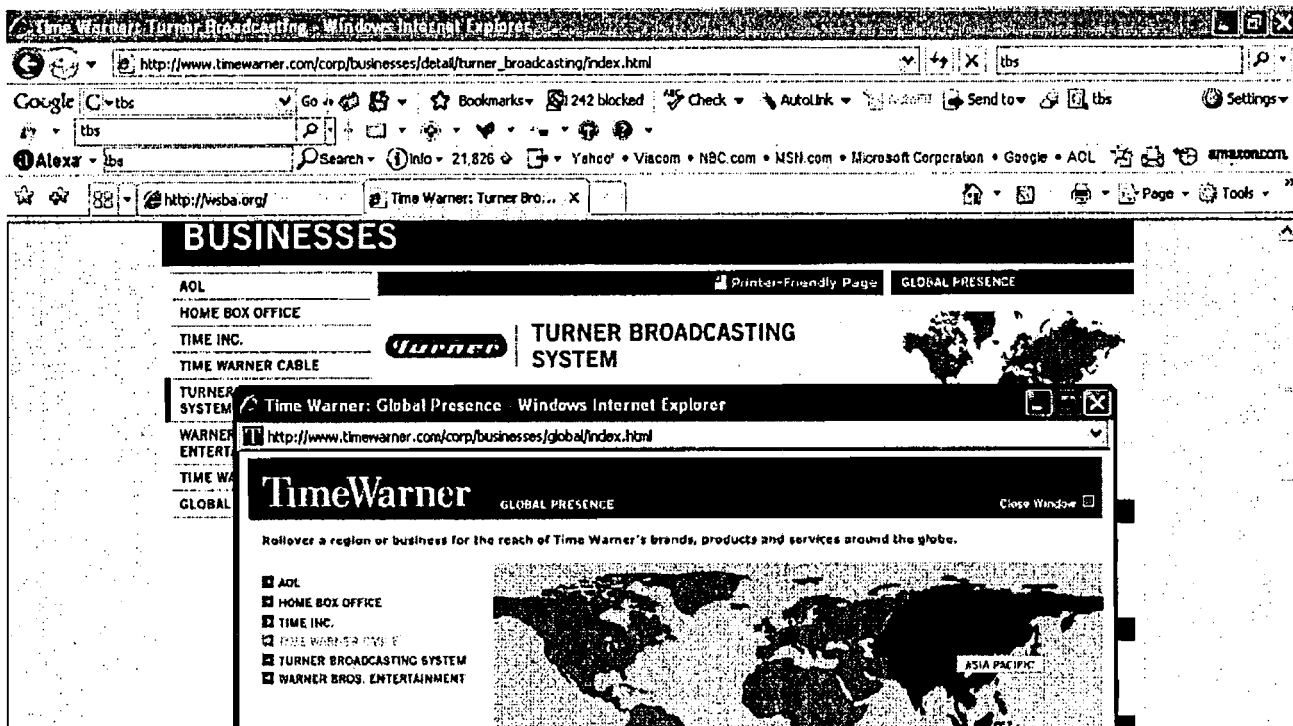
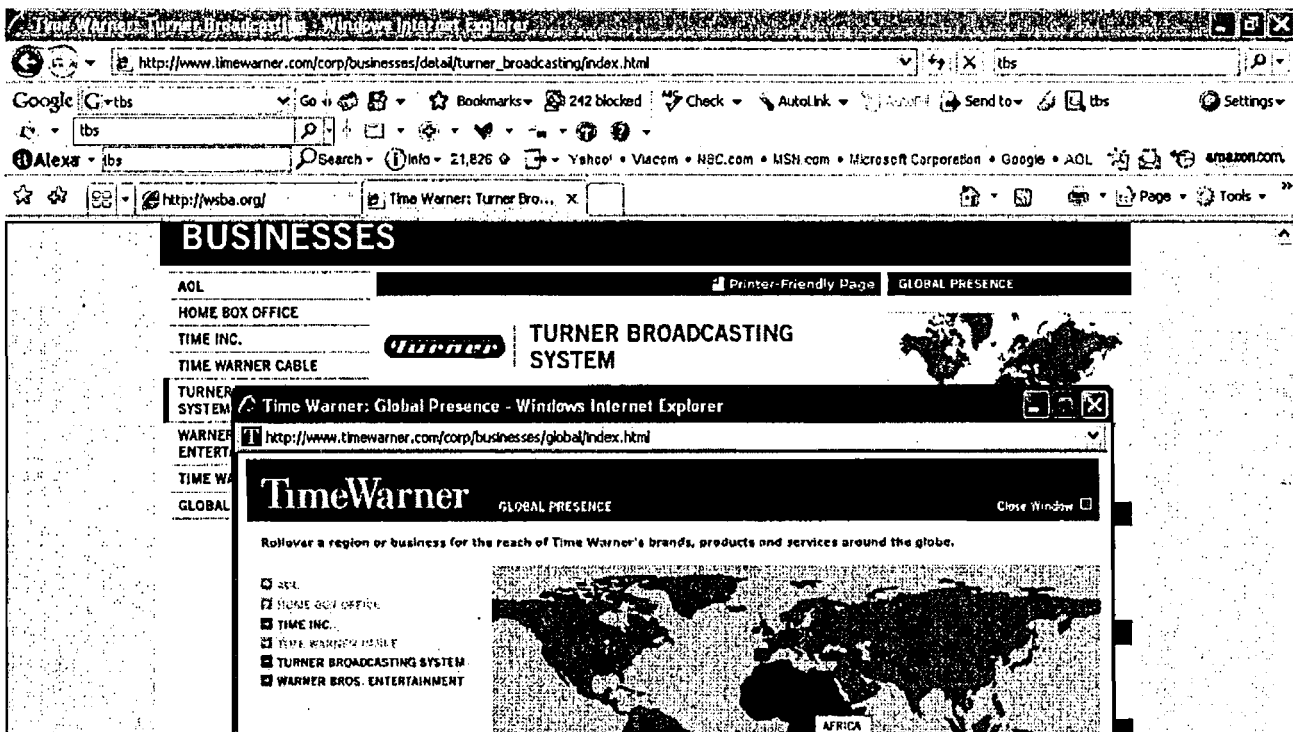


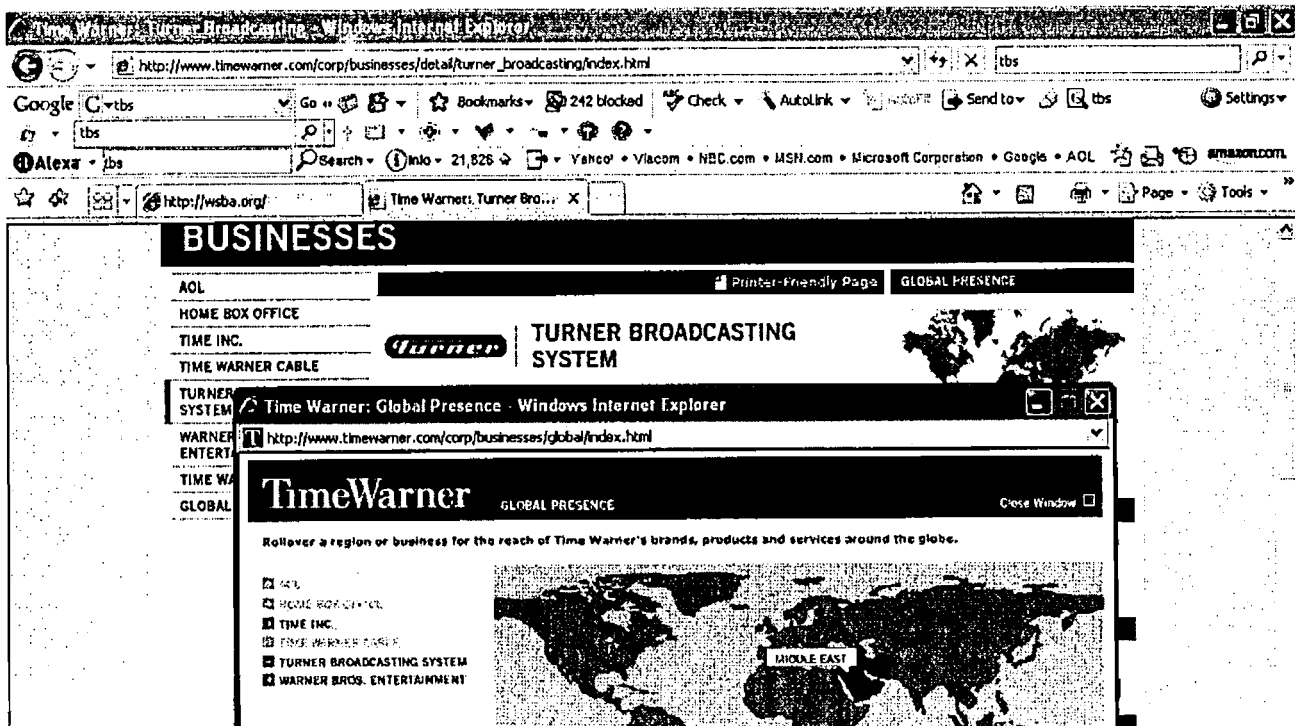
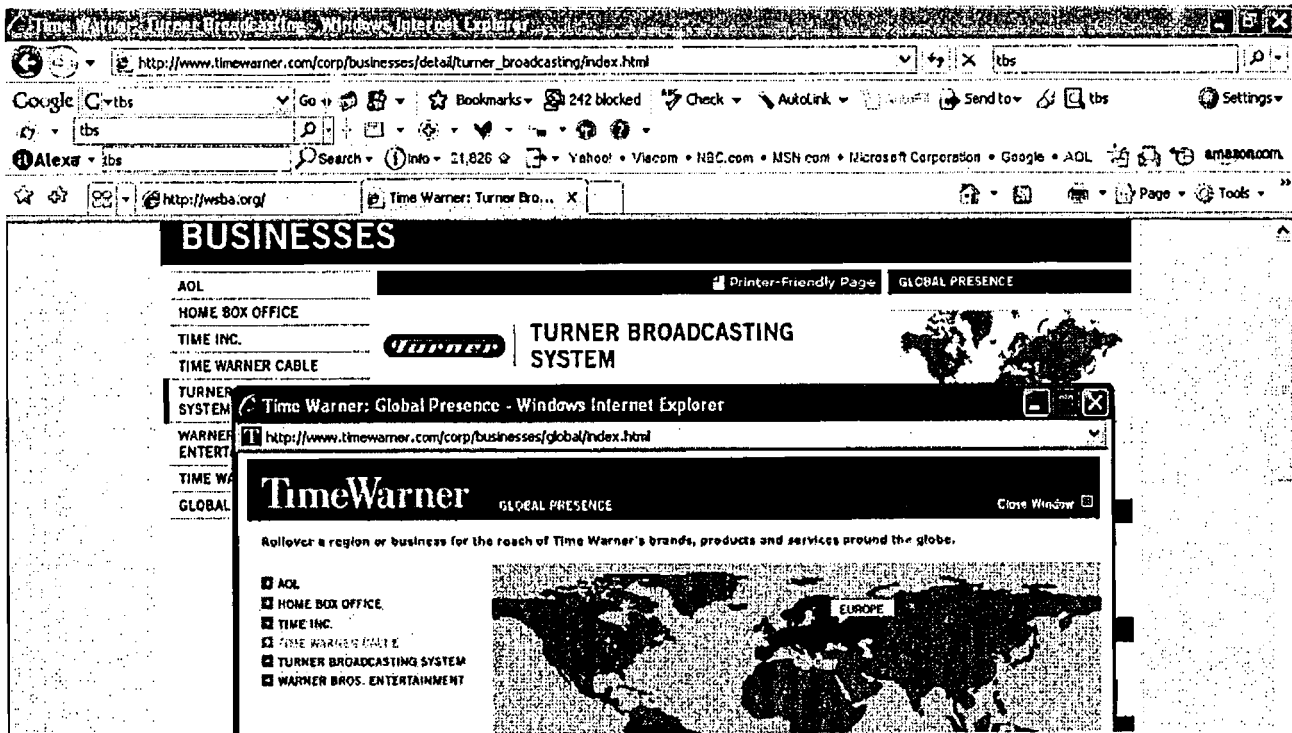
Seattle, WA

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EXHIBIT M





Internet Explorer window showing the Time Warner Global Presence page. The address bar displays http://www.timewarner.com/corp/businesses/detail/turner_broadcasting/index.html. The page features a navigation menu on the left with links to AOL, HOME BOX OFFICE, TIME INC., TIME WARNER CABLE, TURNER BROADCASTING SYSTEM, WARNER BROS. ENTERTAINMENT, and GLOBAL PRESENCE. The main content area is titled "BUSINESSES" and includes a "Printer-Friendly Page" link and a "GLOBAL PRESENCE" link. A "Turner" logo is visible next to the "TURNER BROADCASTING SYSTEM" heading. Below this, a "Time Warner: Global Presence - Windows Internet Explorer" window is open, displaying the "Time Warner GLOBAL PRESENCE" page. This page includes a list of services: AOL, HOME BOX OFFICE, TIME INC., TIME WARNER CABLE, TURNER BROADCASTING SYSTEM, and WARNER BROS. ENTERTAINMENT. A world map is shown with a red dot indicating a location in North America. The page also mentions "Roll over a region or business for the reach of Time Warner's brands, products and services around the globe."

Internet Explorer window showing the Time Warner Global Presence page. The address bar displays http://www.timewarner.com/corp/businesses/detail/turner_broadcasting/index.html. The page features a navigation menu on the left with links to AOL, HOME BOX OFFICE, TIME INC., TIME WARNER CABLE, TURNER BROADCASTING SYSTEM, WARNER BROS. ENTERTAINMENT, and GLOBAL PRESENCE. The main content area is titled "BUSINESSES" and includes a "Printer-Friendly Page" link and a "GLOBAL PRESENCE" link. A "Turner" logo is visible next to the "TURNER BROADCASTING SYSTEM" heading. Below this, a "Time Warner: Global Presence - Windows Internet Explorer" window is open, displaying the "Time Warner GLOBAL PRESENCE" page. This page includes a list of services: AOL, HOME BOX OFFICE, TIME INC., TIME WARNER CABLE, TURNER BROADCASTING SYSTEM, and WARNER BROS. ENTERTAINMENT. A world map is shown with a red dot indicating a location in North America. The page also mentions "Roll over a region or business for the reach of Time Warner's brands, products and services around the globe." The status bar at the bottom indicates "Done" and "Internet" connection.

EXHIBIT N

VALVE



VALVE

ABOUT VALVE

About Valve®

- ◆ Technology licensing - The Source™ engine, the SDK, and Steam
- ◆ Cyber café information for owners of gaming venues
- ◆ Various awards we're proud to have won
- ◆ Publications - papers by Valve's engineers and artists
- ◆ The people who make up the Valve team



Valve is an entertainment software and technology company founded in 1996 and based in Bellevue, Washington. The company's debut title, Half-Life®, has won over 50 Game of the Year Awards and was named "Best PC Game Ever" in the November 1999, October 2001, and April 2005 Issues of PC Gamer, the world's best-selling PC games magazine.

Valve's portfolio of entertainment titles also includes Half-Life® 2, Counter-Strike®, Day of Defeat®, Team Fortress®, and Portal™. This portfolio of titles accounts for over 20 million retail units sold worldwide, and Valve games account for over 80% of the PC online action market.

In addition to producing best selling entertainment

titles, Valve is a developer of leading-edge technologies including the Source® game engine and Steam®, a leading platform for digital content with over 10 million registered users.

Today, Valve is composed of just over 120 of the industry's best artists, programmers, and writers. In the company's 10-year history, it has risen from "unlikely new entry" to industry leader, producing a string of best selling and critically acclaimed PC products and technologies.

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About Us

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Located in beautiful Orange County, California, Reflexive Entertainment was founded in 1997 with one goal in mind - to make great games. We've dedicated ourselves to this goal for the past 10 years and we hope you enjoy the results. We are proud of what we have accomplished to date, and we are continually reinvigorated by the new games and ideas that we have in development.

In 1998 we released our first game: Swarm. The game was a dream come true, allowing us to make exactly the game we wanted to make. It was released to strong reviews and became one of the first hits in the downloadable game space on the still-young Internet. With the success of Swarm we decided to branch out into contract-for-hire game development, and we enjoyed creating PC games for major publishing houses such as Black Isle and Activision.

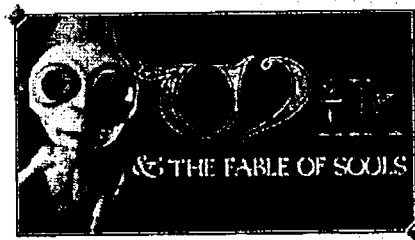


With the release of the award-winning Ricochet in 2001, we turned back towards the Internet gaming marketplace where it had all started for us. The critical and financial success of Ricochet prompted us to focus more attention on the Internet space as the best way to reach a large audience of gamers.

We launched our very own online arcade dubbed "Reflexive Arcade" in 2003 to sell our own as well as other quality games online. Reflexive Arcade continues to grow and maintains one of the largest selections of downloadable games available for sale on the Internet. Millions of games are downloaded each week from Reflexive Arcade and the numbers only continue to grow.

In April of 2004, we created a sequel to Ricochet, releasing Ricochet: Lost Worlds, a game we hoped would be seen as the best breakout action game available. We followed up the success of Ricochet: Lost Worlds with RLW: Recharged, further extending the franchise with numerous improvements and nearly numberless levels. The Ricochet series of games has become one of the most popular available online and has since been released on Xbox Arcade as well as on mobile phones. 2007 further expanded the Ricochet universe with Ricochet Infinity. This new game added in-game level downloading for nearly endless play along with a host of new power-ups, graphics and special abilities. We spent over a year creating Ricochet Infinity, making it one of our most ambitious projects yet.

We are fully committed to innovative game concepts and to that end we released Wik & the Fable of Souls in September of 2004 to rave reviews. The praise continued for the game when it won the Downloadable Game of the Year award at the 2005 Independent Games Festival in addition to winning the awards for innovation in visual arts and innovation in game design. Following the awards ceremony we were pleased to go back to the development room at the request of Microsoft and further expand the game, adding widescreen, new game modes and multiplayer so that it could be released on the Xbox 360 Live Arcade in December of 2005. We were quite excited when the new Xbox 360 version won Downloadable Game of the Year from the Academy of Interactive Arts and Sciences in February 2006 at the DICE summit.



Wik wasn't our last title released in 2004 as we sneaked in Big Kahuna Reef just before the end of the year. BKR proved to be an instant success and has become one of the most popular games available on-line leading us to further extend the reef with Big Kahuna Words in late 2005. 2006 provided further underwater adventures with the release of Big Kahuna Reef on mobile phones as well as the release of the long-awaited sequel to Big Kahuna Reef, Big Kahuna Reef 2: Chain Reaction.

Mosaic: Tomb of Mystery, our first game of 2006, was created in the same rigorous manner as all of our games, with special attention to the quality and detail of each piece of the game. We spent tremendous amounts of time creating a game that we felt every age group could



enjoy. Though it hasn't been available for very long, we have been very pleased by the public's response and hope that everyone enjoys playing it as much as we enjoyed making it.

Monarch: The Butterfly King, our first game of 2007, was a re-envisioning of the Big Kahuna Reef style of game. Created with gardens in mind, this new game has a rich story and uses real flower photographs to create a visual treat that is capped by fantastically beautiful butterflies.

We continue to work hard to create unique and interesting game experiences on multiple platforms that show the highest level of quality and of course our signature Immersive style. We hope that whenever you see the words Reflexive Entertainment you'll think of carefully crafted games that are great fun to play!

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The Honorable Judge Gregory M. Sleet

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRS, LLC, a Washington Limited Liability
Company,

Plaintiff,

v.

TURNER BROADCASTING SYSTEM, Inc., a
Georgia Corporation

Defendant.

C.A. No. 08-127-GMS

**DECLARATION OF SCOTT
OYLER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO TRANSFER**

I, Scott Oyler, make the following declaration:

1. I am one of the three inventors of the '124 patent at issue in this case. I make this declaration based upon personal knowledge.
2. I understand that CRS LLC has filed a patent infringement action against Turner Broadcasting System, Inc. in the District of Delaware. I understand that should this matter go to trial, I may be called as a witness.
3. Contrary to the defendant's allegations, I am not adverse to voluntarily appearing at trial in Delaware. If required to do so, I am fully able and willing to travel to Delaware to testify. At this time, I do not foresee any obstacles that might interfere with my ability and willingness to testify at trial in Delaware.

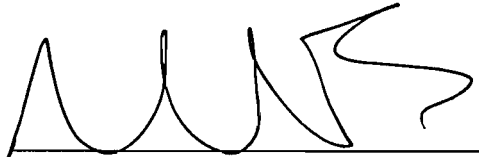
I declare the penalty of perjury under the laws of the State of Washington that the foregoing is true to the best of my knowledge.

Executed this 23 day of May, 2008 at Seattle, Washington.

By: SAOL
Scott Oyler

CERTIFICATE OF SERVICE

I, Michael G. Busenkell, Certify That On May 23, 2008, I caused copies of the foregoing **Plaintiff's Opposition To Motion To Dismiss** to be served in the manner indicated on the parties on the attached service list.

A handwritten signature in black ink, consisting of a series of loops and a final flourish, positioned above a horizontal line.

Michael G. Busenkell (No. 3933)

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